



1615 IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of:

KELLER et al.

Serial No.: 10/575,019

Filed: April 6, 2006

Atty. File No.: 2584SG-5

For: "FIRE PROTECTION GATE AND
CORRELATED FIRE PROTECTION INSET"

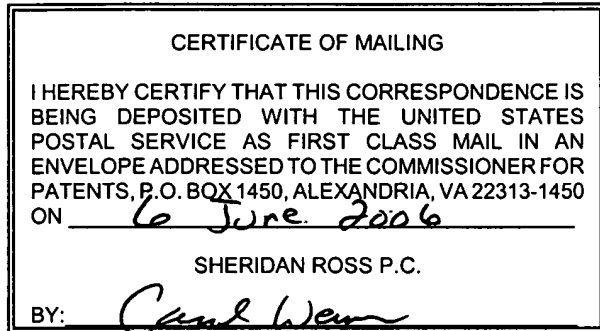
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

) Group Art Unit:

) Examiner:

) Confirmation No.:

) REQUEST FOR CORRECTION OF
) NATIONAL PHASE FILING DATE



Dear Sir:

In connection with the filing of the above-identified U.S. patent application, Applicants hereby request that a filing date of April 6, 2006, be assigned to the above-referenced patent application. In support of this request, Applicants provide the following information.

This application was submitted to the U.S. Post Office on April 6, 2006, for transmittal via Express Mail No. EV 788583237 US. The Certificate of Mailing correctly reflects the filing date of April 6, 2006. The return receipt post card for this application incorrectly indicates a filing date of April 7, 2006. As a result, the U.S. Post Office erred in entering the Date Accepted as April 7, 2006, for this application, rather than its actual date of filing, via Express Mail, of April 6, 2006.

This application was filed at the same time as two other applications, such other applications receiving the correct filing date of April 6, 2006. Those applications are U.S. Serial No. 10/575,009, filed on April 6, 2006, Attorney Docket No. 2584SG-4 and U.S. Serial No. 10/574,987, filed on April 6, 2006, Attorney Docket No. 2584SG-6. Copies of the stamped return cards and Express Mail receipts for all three applications are attached to the accompanying Declaration of Carol Werner as Exhibits C and D. The Express Mail receipts for Application Nos. 10/575,009 and 10/574,987, were correctly filled out by the Post Office to indicate the date accepted of April 6, 2006 and the times the mailings were accepted (see Exhibit D of Ms. Werner's Declaration). Note that the Express Mail

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receipt for the present application (i.e. Serial No. 10/575,019) does not have a "Time Accepted" entry, which is unusual for normal Post Office procedure (see Exhibit A of Mr. Abeyta's Declaration). Additionally, the Postal Clerk did not provide a stamped receipt to the undersigned's representative for this Express Mail package.

The Declarations of Carol Werner, the Secretary who prepared this application for filing and who signed the Certificate of Mailing, and Eddie Abeyta, the Office Services employee who delivered the Express Mail packages to the Post Office, are enclosed herewith for the U.S. Patent & Trademark Office's consideration.

Applicants request that the Patent Office find that this national phase application was correctly filed on April 6, 2006, and to reflect that this application should have its proper initial filing date of April 6, 2006.

Undersigned counsel requests a telephone interview with the Examiner if there are any pending questions or concerns, so as to promptly address the present issue.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik
Registration No. 33,005
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 6/6/06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KELLER et al.

Serial No.: 10/575,019

Filed: April 6, 2006

Atty. File No.: 2584SG-5

For: "FIRE PROTECTION GATE AND
CORRELATED FIRE PROTECTION
INSET"

) Group Art Unit:

)

) Examiner:

)

) Confirmation No.:

)

) DECLARATION OF CAROL WERNER IN

) SUPPORT OF REQUEST FOR

) CORRECTION OF NATIONAL PHASE

) FILING DATE

I hereby Declare as follows:

1. I am an employee of the lawfirm of Sheridan Ross P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202. I have worked for Sheridan Ross since July 5, 2005, and my principle duties include assisting legal counsel at Sheridan Ross in the preparation and filing of patent applications received from foreign associates.

2. On or about April 6, 2006, I worked on the above-referenced application in order to effect a timely U.S. National Phase Patent Filing on April 6, 2006. I executed the Certificate of Mailing, attached hereto as Exhibit A.

3. In addition to the present patent application, I also prepared for filing two other patent applications, U.S. Serial No. 10/575,009, Attorney Docket No. 2584SG-4, and U.S. Serial No. 10/574,987, Attorney Docket No. 2584SG-6, both of which were also national phase filings for foreign associates. I similarly prepared and executed Certificates of Mailing with respect to such cases (see Exhibit B).

4. On April 6, 2006, I provided the above-referenced three patent applications with all requisite filing documents to Mr. Eddie Abeya, the Office Services employee at Sheridan Ross P.C. whose job responsibilities include delivery of Express Mail packages to the Post Office.

5. The Express Mail packages were sealed and given to Mr. Eddie Abeya, the Office Services Clerk, for attachment of postage and delivery to the U.S. Post Office.

6. Mr. Abeya returned from the post office with two of the three Express Mail receipts. The Express Mail Receipts Mr. Abeya returned to me were: EV 788583223 US, Attorney Docket No. 2584SG-4, assigned U.S. Serial No. 10/575,009; and EV 788583254 US, Attorney Docket No. 2584SG-6, assigned U.S. Serial No. 10/574,987.

7. The Express Mail receipt from Application Nos. 10/575,009 and 10/574,987 were

correctly filled out by the Post Office to indicate the date of acceptance of April 6, 2006 (see Exhibit C). Unfortunately, the return receipt post card for the present application (Serial No. 10/575,019, see Exhibit D) incorrectly reflected a filing date via Express Mail of April 7, 2006. Such application was, however, filed via Express Mail on April 6, 2006, along with the other two above-referenced patent applications, which properly received the correct filing date of April 6, 2006.

Date: June 6, 2006

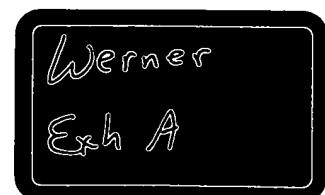
By: Carol Werner
Carol Werner

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TYPED OR PRINTED NAME: CAROL WERNER

SIGNATURE: *Carol Werner*



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Carol Werner



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Initial: CSW

Date 4/6/06

PTO Stamp indicates receipt of: [X] Patent Matter ☐ Trademark Matter

Application Docket No.: 2584SG-4

Applicant: KELLER et al.

10/575009

Title or Mark: "INSULATING MATERIAL ELEMENT MADE OF MINERAL FIBER FELT FOR CLAMPING-LIKE ASSEMBLY BETWEEN BEANS AND THE LIKE"

Serial/Reg. No.: NOT YET ASSIGNED

Filed/Issued Date: HERewith

16 # of Pages in Specification

[X] Certificate of Mailing

3 # of Pages in Claims

[X] Express Mail No.: EV 788583223 US

2 # of Sheets in Drawings

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Transmittal Letter (2 pgs); Certificate of Mailing (1 pg); English translation of published application (19 pgs); figures (2 pgs); Application Data Sheet (7 pgs); First Preliminary Amendment (6 pgs); IDS (3 pgs); Form 1449 (1 pg); References (7); check; return card

REC'D PCT/PTO 06 APR 2006

Werner

Exhc



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Flat Rate <input type="checkbox"/> or Weight 1.13 lbs.	Int'l Alpha Country Code	Acceptance EMP. Initials	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
CUSTOMER USE ONLY			<input type="checkbox"/> WAVES OF SIGNATURE (Domestic Mail Only) Additional endorsement insurance void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that it is not possible to obtain signature) and I authorize that delivery employee's signature constitute valid proof of delivery.		
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10/574987

Date 4/6/06

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Application Docket No.: 2584SG-6

Applicant: BRUER et al. **1AP7 Rec'd PCT/PTO 06 APR 2006**

Title or Mark: "CLIMATE, RESPECTIVELY VENTILATION CHANNEL"

Serial/Reg. No.: NOT YET ASSIGNED

Filed/Issued Date: HERewith

17 # of Pages in Specification

[X] Certificate of Mailing

3 # of Pages in Claims

[X] Express Mail No.: EV 788583254 US

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Time Accepted <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 18.80		Mo. Day			
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Date 4/6/06

PTO Stamp indicates receipt of: ☒ Patent Matter ☐ Trademark Matter
 Application Docket No.: 2584SG-5
 Applicant: KELLER et al.
 Title or Mark: "FIRE PROTECTION GATE AND CORRELATED FIRE PROTECTION INSET"
 Serial/Reg. No.: NOT YET ASSIGNED **10/575019**
 Filed/Issued Date: HERewith
☒ Certificate of Mailing
☒ Express Mail No.: EV 788583237 US
☒ Check for \$900.00

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In Re the Application of:

KELLER et al.

Serial No.: 10/575,019

Filed: April 6, 2006

Atty. File No.: 2584SG-5

For: "FIRE PROTECTION GATE AND
CORRELATED FIRE PROTECTION
INSET"

) Group Art Unit:

) Examiner:

) Confirmation No.:

) DECLARATION OF EDDIE ABEYTA IN

) SUPPORT OF REQUEST FOR

) CORRECTION OF NATIONAL PHASE

) FILING DATE

I hereby declare as follows:

1. I am a contract employee of the lawfirm of Sheridan Ross P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202. I have worked for Sheridan Ross since July 2005, and my principle duties include affixing postage to outgoing mail and hand-delivering the Express Mail to the Post Office and brining back the signed receipts.

2. On or about April 6, 2006, in my normal course of duties, Ms. Carol Werner gave me Express Mail packages, which I delivered to the Post Office and brought the signed receipts back to Ms. Werner.

3. Upon being notified by Carol Werner that there was a problem with the Express Mail Package sent on April 6, 2006 for U.S. Serial No. 2584SG-5, I requested copies of the Express Mail receipts from the Post Office for all items sent on April 6 and 7, 2006. The Express Mail receipts for Application Nos. 10/575,009 and 10/574,987, are correctly filled out by the Post Office to indicate the date accepted of April 6, 2006 and the times the mailings were accepted (see Exhibit A). The Express Mail receipt for the present application (Serial No. 10/575,019) does not have a "Time Accepted" entry, which in my experience, is unusual for normal Post Office procedure (see Exhibit B).

4. I declare that I properly filed via Express Mail, U.S. Application Serial No. 10/575,019 on April 6, 2006. The filing date of April 7, 2006, is therefore in error.

Date: _____

6/6/06

By: _____

Eddie Abeyta



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Date 4/6/06

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Application Docket No.: 2584SG-4

Applicant: KELLER et al.

Title or Mark: "INSULATING MATERIAL ELEMENT MADE OF MINERAL FIBER
FELT FOR CLAMPING-LIKE ASSEMBLY BETWEEN BEANS AND THE LIKE"

Serial/Reg. No.: NOT YET ASSIGNED

Filed/Issued Date: HERewith

16 # of Pages in Specification

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Date 4/6/06

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Application Docket No.: 2584SG-6

Applicant: BRUER et al

APR 7 Rec'd PCT/PTO 06 APR 2006

Title or Mark: "CLIMATE, RESPECTIVELY VENTILATION CHANNEL"

Serial/Reg. No.: NOT YET ASSIGNED

Filed/Issued Date: HERewith

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Date of Acceptance 4/7/06	Scheduled Date of Delivery Month: 4 Day: 10	Return Receipt Fee \$		Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Mo. Day Year	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 1 PM	COD Fee \$	Insurance Fee \$	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time Accepted <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 18.80		<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. When delivery is to be made without obtaining signature of addressee or addressee's agent, the delivery employee makes the delivery on behalf of addressee and signs the delivery receipt. Signature required to prove proof of delivery.			
Flat Rate <input type="checkbox"/> or Weight	Int'l Alpha Country Code	Accession Stamp Initials		<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Workday <input type="checkbox"/> Holiday			
CUSTOMER USE ONLY				<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Workday <input type="checkbox"/> Holiday			
METHOD OF PAYMENT: Express Mail Certificate Acct. No.				Federal Agency Acct. No. or Postal Service Acct. No.			
FROM: (PLEASE PRINT) SHERIDAN ROSS PC 1350 BROADWAY STE 1200 DENVER CO 80202-5145 2584 SG-5 CS1				TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450 Mail Stop PCT			
FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811							

Initial: cs

Date 4/6/06

PTO Stamp indicates receipt of:
Application Docket No.: 2584SG-5
Applicant: KELLER et al.

[X] Patent Matter ☐ Trademark Matter

Title or Mark: "FIRE PROTECTION GATE AND CORRELATED FIRE PROTECTION
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Serial/Reg. No.: NOT YET ASSIGNED
Filed/Issued Date: HERewith

10/575019

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[X] Express Mail No.: EV 788583237 US

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check; return card

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